

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRED LEWIS CUTSINGER,

Defendant.

CR 19–16–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on August 8, 2019. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. §

636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm

conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000).

Judge Cavan recommended this Court accept Fred Lewis Cutsinger’s guilty

plea after Cutsinger appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to possession with intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1) (Count II), and possession of a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A)(I) (Count III) of the Indictment.

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 28), and I adopt them in full.

Accordingly, IT IS ORDERED that Fred Lewis Cutsinger's motion to change plea (Doc. 21) is GRANTED and Fred Lewis Cutsinger is adjudged guilty as charged in Counts II and III of the Indictment.

DATED this 27th day of August, 2019.



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Dana L. Christensen, Chief District Judge  
United States District Court